

**APPLICATION FOR PERMISSION TO CHANGE POINT OF  
DIVERSION, MANNER OF USE AND PLACE OF USE OF THE  
PUBLIC WATERS OF THE STATE OF NEVADA  
HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office October 16, 1997  
 Returned to applicant for correction November 25, 1997  
 Corrected application filed JAN 16 1998  
 Map filed JAN 16 1998

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The applicant Newmont Gold Company, hereby makes application for permission to change the point of diversion and place of use of a portion of water heretofore appropriated under permit #18552 (cert. #6423)

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1. The source of water is Maggie Creek and Tributaries
2. The amount of water to be changed 0.35 c.f.s (15.82 acre-feet)
3. The water to be used for irrigation (wetlands maintenance)
4. The water heretofore permitted for irrigation
5. The water is to be diverted at the following point within the NW $\frac{1}{4}$  NE $\frac{1}{4}$  Section 26, T.33N., R.52E., M.D.M. from which the NW corner of said section bears N. 83° 30' W., a distance of 2,937 ft dist.
6. The existing permitted point of diversion is located within the SE $\frac{1}{4}$  SE $\frac{1}{4}$  Section 9, T.33N., R.52E., M.D.M., from which the SW corner of Section 15, in said township, bears S. 3° 14' E., 5,386.9 ft. dist.
7. Proposed place of use 21.09 acres within NE $\frac{1}{4}$  Section 26, as follows: 12.64 acres within NW $\frac{1}{4}$  NE $\frac{1}{4}$ , 2.05 acres within SW $\frac{1}{4}$  NE $\frac{1}{4}$ , and 6.40 acres within NE $\frac{1}{4}$  NE $\frac{1}{4}$ . T.33N., R.52E., M.D.M.
8. Existing place of use 18.56 acres within SE $\frac{1}{4}$  SW $\frac{1}{4}$  Section 23, T.33N., R.52E., M.D.M. 2.53 acres within SW $\frac{1}{4}$  SW $\frac{1}{4}$  Section 23, T.33N., R.52E., M.D.M.
9. Use will be from April 15 to August 15 of each year.
10. Use was permitted from As Decreed
11. Description of proposed works Construction of steel reinforced, gate-valved inlet works, measuring flume, ditch channel to wetlands area described above.
12. Estimated cost of works \$25,000.00
13. Estimated time required to construct works one year
14. Estimated time required to complete the application of water to beneficial use two years
15. Remarks: This wetlands area is created under terms of U. S. Corps of Engineers Sec. 404 Permit #199300700.

By s/William A. Nisbet    Agent  
 421 Court Street  
 Elko, Nevada 89801

Compared my/cms dl/cms

Protested \_\_\_\_\_

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APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit to change the point of diversion and place of use of a portion of the waters of Maggie Creek and Tributaries as heretofore granted under Permit 18552, Certificate 6423-A is issued subject to the terms and conditions imposed in said Permit 18552, Certificate 6423-A. Permit 18552, Certificate 6423-A changed the point of diversion and place of use of the waters as heretofore appropriated under Proofs 00325 through 00329, inclusive, as appears in the Humboldt River Decree No. 2804 entered October 20, 1931 and October 7, 1935, in the District Court of the Sixth Judicial District of the State of Nevada, in and for the County of Humboldt. This permit is issued subject to the terms, conditions and irrigation period imposed in said decree and with the understanding that no other rights on the source will be affected by the change proposed herein.

This permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.35 cubic feet per second, but not to exceed 15.82 acre-feet as decreed.

Work must be prosecuted with reasonable diligence and be completed on or before:

April 27, 2000

Proof of completion of work shall be filed before:

May 27, 2000

Application of water to beneficial use shall be filed on or before:

April 27, 2001

Proof of the application of water to beneficial use shall be filed on or before:

May 27, 2001

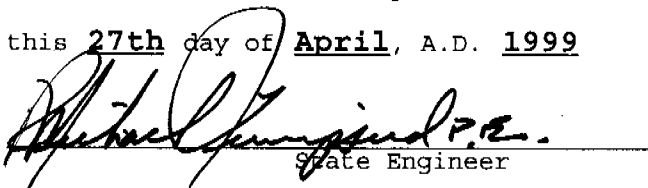
Map in support of proof of beneficial use shall be filed on or before:

May 27, 2001

IN TESTIMONY WHEREOF, I, R. MICHAEL TURNIPSEED, P.E.,

State Engineer of Nevada, have hereunto set  
my hand and the seal of my office,

this 27th day of April, A.D. 1999

  
State Engineer

Completion of work filed JUN 23 2000

Proof of beneficial use filed \_\_\_\_\_

Cultural map filed \_\_\_\_\_

Certificate No. \_\_\_\_\_ Issued \_\_\_\_\_